

UNITED STATES DISTRICT COURT

for the

District of New Mexico

United States of America

v.

THADDEUS JOSEPH PONCE, a.k.a.; Thaddaus
Joseph Ponce, Thadus Joseph Ponce, Thadeus J
Ponce, Thadeus Ponce, Thadaus Ponce, Thad
Ponce, Thadd J Ponce, Danny Ponce, Danny Platero

Case No.

19-3597MJ

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of August 10, 2019 - October 7, 2019 in the county of Otero in the
State and District of New Mexico, the defendant(s) violated:

Code Section

Offense Description

USC 18 section 115(a)(1)(B)

Threatening to assault and kill federal law enforcement officials or federal law
enforcement officers with intent to impede, intimidate, and interfere with such
officials while they were engaged in the performance of official duties, or
with intent to retaliate against such officials on account of the performance of
official duties.

USC 18 section 1151 and 1153

Laws governing and Crimes committed within Indian country

This criminal complaint is based on these facts:

See attached affidavit

☒ Continued on the attached sheet.


Complainant's signature

Randy Vetteson Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date:

10/10/19



Judge's signature

City and state:

Las Cruces, NM

Stephan M. Vidmar, U.S. Magistrate Judge

Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
THADDEUS JOSEPH PONCE, a.k.a.)
Thaddaus Joseph Ponce, a.k.a. Thadus)
Joseph Ponce, a.k.a. Thadeus J Ponce,)
a.k.a. Thadeus Ponce, a.k.a. Thadaus)
Ponce, a.k.a. Thad Ponce, a.k.a. Thadd J)
Ponce, a.k.a. Danny Ponce, a.k.a. Danny)
Platero)

Defendants.

AFFIDAVIT

The undersigned, being duly sworn, deposes and says as follows:

1.) Affiant is a Special Agent for the Bureau of Indian Affairs (BIA), Office of Justice Services, Mescalero Agency. Affiant has been employed by the BIA since June of 2000. Affiant was previously employed as a narcotics investigator for the Belcourt Police Department in North Dakota, from December of 1996 until June of 2000. Affiant has an Associate's Degree in Criminal Justice and completed the Basic Police Academy and Federal Law Enforcement Training for Criminal Investigators. Affiant's primary duty is to investigate violations of the United States Code Title 18 occurring on the Mescalero Indian Reservation, Otero County, New Mexico.

2.) This affidavit is made in support of an arrest warrant for Thaddeus Joseph Ponce, also known as; Danny Ponce, Danny Platero, Thad Ponce, Thadaus Ponce, Thadd J Ponce, Thaddaus Joseph Ponce, Thadeus J Ponce, Thadeus Ponce, and Thadus Joseph Ponce (hereinafter referred to as PONCE). Information contained in this affidavit was obtained from Affiant's own investigation and information from other duly sworn police officers and does not contain all information known by Affiant, only sufficient facts for consideration of probable cause. The victim and witnesses in the affidavit are referred to by their initials to protect their privacy.

3.) On July 25, 2019, at approximately 10:45 a.m., BIA police officers and Mescalero Conservation officers went to PONCE's residence located at 1523 Sierra Court, Mescalero, New Mexico, to serve a Mescalero Tribal arrest warrant for domestic abuse. Officers implemented an operation plan, which included extra officers to assist, due to PONCE's criminal history and suspected mental disorders.

4.) Officers were not able to locate PONCE at his residence and patrolled the area in an attempt to locate him. Officers located PONCE at the Mescalero Elderly Care Center and waited until he cleared the populated area before attempting to arrest him. When PONCE emerged from the Mescalero Elderly Care Center, officers moved in, but PONCE got in his vehicle and fled, nearly ramming one of the marked BIA police vehicles during his flight.

5.) PONCE led officers on a high-speed pursuit through the village of Mescalero and onto U.S. Highway 70. Officers chased PONCE with emergency lights and sirens activated in their officially marked vehicles. PONCE refused to stop and continued driving at approximately one hundred and thirty miles per hour, off the Mescalero Apache reservation and through the city of Tularosa, New Mexico. Officers terminated the pursuit for safety reasons when PONCE entered a road construction area outside of Tularosa.

6.) While being pursued, PONCE called the BIA Dispatch Center, located on the Mescalero Indian Reservation, Otero County, New Mexico, several times. E.R., a BIA Lead Telecommunications Operator, was on duty and answered PONCE's phone calls. The phone calls were recorded on the Dispatch Center's emergency telephone line. E.R. answered the call, "BIA Law Enforcement." Affiant overheard radio traffic regarding the pursuit and went into the dispatch area to assist. Affiant also spoke to PONCE in an attempt to calm him down. Affiant identified myself by first name. PONCE knows affiant to be a BIA special agent from previous contacts while on duty.

7.) During the call, PONCE asked what the BIA officers wanted and asked if their vehicles and firearms were registered. Affiant requested that PONCE pull over, but PONCE hung up. PONCE then called again and said, "I called my uncle Vicente Carrillo of the Fuentes Drug Cartel in Juarez, you're fucked!" and hung up. PONCE called another time and said the same thing but ended with a bizarre vocal sound. Affiant perceived this as a threat.

8.) On August 10, 2019, at 6:11 a.m., PONCE again called the dispatch emergency line and C.R., a BIA Telecommunications Operator, answered the call. During the call, PONCE called C.R. vulgar names and

accused the on-duty BIA police officers of messing around at his house again. PONCE also made threats to have them arrested. C.R. attempted to reason with PONCE, but PONCE grew angrier and told C.R., "Fuck you man, you're going to be the first fucker I'm going to kill, pussy!" and hung up.

9.) On August 13, 2019, PONCE called the BIA dispatch center at least three times. The first call occurred at 11:17 a.m., and E.R. answered the call. During this call, PONCE ranted about being on his way to D.C. to talk to the Trump Administration and then proceeded to shout obscenities at E.R. At 12:10 p.m., PONCE again called and shouted obscenities at E.R., ending with, "Watch out tonight!" At 11:17 p.m., PONCE called again and E.L., a Telecommunications Operator, answered the call. During the call, PONCE yelled into the phone at E.L.

10.) On August 14, 2019, at approximately 6:25 p.m., PONCE made three separate harassing phone calls to the BIA dispatch center. E.R. took all three calls. During the first call, E.R. answered the phone, "BIA Law Enforcement." PONCE responded by shouting at E.R. and stating, "I called the Fuentes Drug Cartel and they want to talk to you." On the next call, E.R. answered by stating, "BIA Law Enforcement. This is Liz." PONCE warned E.R. that Justin (referring to J.A., a BIA Police Officer) better not mess around with the cars parked at his residence because they belong to the Fuentes Cartel. PONCE repeatedly called E.R. vulgar names, stated, "I'm going to go after your family," and then hung up.

11.) On August 15, 2019, Affiant conducted an interview with E.R. regarding the threats. E.R. is a federal employee. She has worked for the BIA as a Lead Telecommunications Officer for approximately two and half years. E.R. knows of PONCE through work, is familiar with violent incidents involving PONCE, and saw him once in person when he came to the BIA Police Department for paperwork. E.R. recognized PONCE's phone number on caller identification and his voice when he called.

12.) E.R. took PONCE's threats against her family very seriously. She notified her adult son about the threats. E.R. is concerned about PONCE's connections to a drug cartel, but she is more fearful of PONCE himself. E.R. believes PONCE may have mental health issues and access to firearms. E.R. knows PONCE is familiar with the Mescalero area and that during one of the phone calls, PONCE claimed he was at the "agency," which is a BIA building just above the police department and is commonly known as the "agency".

13.) E.R. stated that PONCE's threats have made her feel extremely unsafe. Because of this, E.R. made changes to her life routines, including watching for PONCE's vehicle when driving off-duty and taking outdoor

smoke breaks at home away from the roadway. She has also formulated self-protection plans in case PONCE comes to the police department. The harassing phone calls, threats, and the angry tone of PONCE's voice significantly elevate E.R.'s stress levels.

14.) On August 16, 2019, Affiant researched the name Vicente Carrillo Fuentes because PONCE claims Vicente is his uncle and a member of a drug cartel. According to research, Vicente is a Mexican drug lord and leader in the Juarez Cartel. BIA Police officers, BIA Telecommunications Operators, and Affiant know the violence that cartels are capable of, which adds to the credibility of the threats made by PONCE.

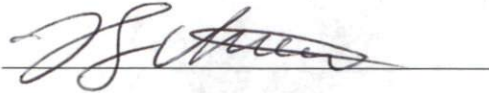
15.) On October 7, 2019, at 2:41 p.m., PONCE again called the BIA dispatch center. D.P., a police cadet assigned to dispatch answered the phone, "BIA Law Enforcement, this is Dustin." PONCE responded, "This is Danny Peralta, pussy, you know what, get ready to become a civilian. I'm over here in Albuquerque, I'm going to be over there at the senator's office ... to catch a flight to Washington D.C. I want to dis-enroll every motherfucker on that reservation, and then I'm going to send my family, the Fuentes Drug Cartel from Juarez, to kill you motherfuckers, man!" PONCE then hung up.

16.) Affiant learned that on March 2, 2019, PONCE was involved in an incident where he led Tularosa police officers and New Mexico State Police on a pursuit to the reservation to elude capture and threatened to shoot any law enforcement officer. BIA officers later executed a search warrant and arrest warrant at PONCE'S residence on tribal charges.

17.) Affiant knows that PONCE is an enrolled member of the Mescalero Apache Tribe and resides in Mescalero, New Mexico. PONCE is familiar with BIA law enforcement officers, dispatchers, and Affiant. PONCE knows the BIA dispatch emergency number, 575-464-4479, which he dialed each time he called and made threats. During the threats outlined in this affidavit, the BIA Telecommunications Operators answering the phone does so by identifying themselves as either BIA law enforcement, law enforcement, or they say their name.

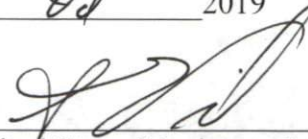
18.) Affiant knows C.R., E.R., D.P., and BIA Police Officers are BIA employees that meet the definition of United States official or Federal law enforcement officer under 18 U.S.C. § 115(a)(1)(B). Affiant knows from experience and official maps that the BIA Dispatch Center is located within the boundaries of the Mescalero Apache Indian Reservation, in the District of New Mexico. According to 18 U.S.C. §§ 1151 and 1153, these facts give the United States jurisdiction over this potential violation.

19.) Affiant submits that probable cause exists to believe that PONCE threatened to assault and kill federal officials E.R. and C.R., BIA Telecommunications Operators, and D.P., a Federal law enforcement officer, with intent to impede, intimidate, and interfere with such officials and law enforcement officers while the they were engaged in the performance of official duties, or with intent to retaliate against such officials and law enforcement officers on account of the performance of official duties. Affiant respectfully requests an arrest warrant be issued for PONCE's violation of 18 U.S.C. § 115(a)(1)(B).



Randy Vettleson, Special Agent
Bureau of Indian Affairs

Subscribed and sworn
Before me this 10th day
of Oct 2019


United States Magistrate Judge